

# Parton Parish Council

## Standing Orders

The standing orders set out below were adopted by the parish council at Parton on the 14<sup>th</sup> May 2014 and superseded any standing orders that were previously agreed.

They were amended as in Red on the 10<sup>th</sup> April 2019/or sidelined

Chairman.....Kevin Young.....Date...10/4/19.....

### **1 Rules of Debate** Full rules of debate are at appendix A

#### **2.Disorderly Conduct at Meetings**

a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c) If a resolution made under standing order above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **3 Meetings Generally**

a) Meetings of the council shall normally be held on the second Wednesday of each month save August

b) Meetings will normally be held at Parton Village Hall

c) The minimum three clear days for notice of a meeting shall be given and does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning

d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

e) Members of the public may make representations; ask questions at a meeting which they are entitled to attend in respect of the business on the agenda. A question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given. A person who speaks at a meeting shall direct his comments to the chairman of the meeting. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

f) A person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public To “report” means to film photograph make an audio recording of meeting proceedings use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission

g) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

h) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council

i)The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

j) Four members shall constitute a quorum at meetings of the council. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

k) The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

l) In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected

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m) The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

n) In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

o) Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

p) A councillor who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.

q) The minutes of a meeting shall include an accurate record of the following

a) the time and place of the meeting;

b) the names of councillors present and absent;

c) interests that have been declared by councillors whether a councillor with left the meeting when matters that they held interests in were being considered;

d) if there was a public participation session; and the resolutions made

#### **4 Committees and Sub Committees (see appendix B)**

#### **5 Ordinary Council Meetings**

a) In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.

b) In a year which is not an election year, the annual meeting of a council shall be held on the second Wednesday in May.

c) In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on the second Wednesday of the months of July, October and February

d) The first business conducted at the annual meeting of the council shall be the election of the Chairman of the Council.

e) At the annual meeting of the council, the business of the annual meeting shall include: In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date.

- f) In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date; Confirmation of the accuracy of the minutes of the last meeting of the council;
- g) Review and adoption of appropriate standing orders and financial regulations; Review of representation on or work with external bodies and arrangements for reporting back; Review of inventory of land and assets including buildings and office equipment;
- h) And of arrangements for insurance cover in respect of all insured risks;
- i) Review of the council's and/or staff subscriptions to other bodies;
- j) Review of the council's complaints procedure
- k) Review of the council's procedures for handling requests made under freedom of information and data protection legislation
- l) Review of the council's policy for dealing with the press/media; and determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **6 Duties of the proper Officer (see appendix C)**

### **7 Extraordinary meetings of the council**

- a) The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

### **8) Previous resolutions**

A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 councillors to be given to the Proper Officer. When a motion moved pursuant to the standing order above has been disposed of, no similar motion may be moved within a further six months.

### **9) Voting on appointments**

Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

**9a) MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing orders correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing orders is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least (4 ) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

**9b) MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;

- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

#### **9c) MANAGEMENT OF INFORMATION**

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

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#### **10) Draft minutes**

- a) If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read
- b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy.
- c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

**d) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

#### **11) Code of conduct and dispensations**

- a) All councillors shall observe the code of conduct adopted by the council.
- b) Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c) Unless he has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d) Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e) A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f) A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;

- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

g) Dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required

h) A dispensation may be granted if having regard to all relevant circumstances the following applies:

i) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business

or ii) granting the dispensation is in the interests of persons living in the council's area

or iii) it is otherwise appropriate to grant a dispensation.

## **12 Code of conduct complaints**

a) Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall report this to the council.

b) Where the notification in standing order above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order below.

c) The council may:

provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law and /or  
seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

d) Upon notification by the District or Unitary Council that a councillor or has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **13 Accounts and accounting statements**



See the councils Financial Regulations adopted by the council on the 12<sup>th</sup> May 2014 which includes at 4.2 of those regulations a power of delegation to the clerk in cases of extreme urgency

#### **14 Financial controls and procurement**

See the councils Financial Regulations

#### **14a) RESPONSIBILITIES TO PROVIDE INFORMATION**

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- i. **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

#### **15) RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

- a **The Council shall have policies and procedures in place to respond to an individual exercising statutory right concerning his personal data.**
- b **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- c **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- d **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- e **The Council shall maintain a written record of its processing activities.**

#### **16 Relations with the press/media**

Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

### **17 Execution and sealing of legal deeds**

- a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b) Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

### **17a )RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a) Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. Issue orders, instructions or directions.

### **18 Standing orders generally**

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b) A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least ( 4 ) councillors to be given to the Proper Officer in accordance with standing order above.
- c) The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.





